

Remarks

I hereby thank Examiner Holzen for the courtesy afforded me in conducting a telephone interview of even date herewith to discuss the above-identified patent application. Examiner Holzen and I reached agreement as to the allowability of the claims.

The 112 Enablement Issues

With respect to the enablement issues, the Applicant must only disclose the preferred "best mode" embodiment. It is black letter law that he is not limited in claiming only this embodiment - the claims are not restricted to the preferred embodiment. Indeed, as set forth in the same section of the MPEP referenced by the Examiner, namely 2164.08(c):

"Therefore, an enablement rejection based on the grounds that a disclosed critical limitation is missing from a claim should be made only when the language of the specification makes it clear that the limitation is critical for the invention to function as intended. Broad language in the disclosure, including the abstract, omitting an allegedly critical feature, tends to rebut the argument of criticality."

The language of the specification does not describe that the presence of the masts, or the use of two masts with two sleeves, or the use of a particular type of control¹ is critical to the invention. It is true that in the preferred

¹ While the Applicant is entitled to claim the control broadly, the Applicant is willing to amend the broad description of a control where it appears in one claim to that of a "control switch". See amended claim 1.

embodiment, there are two masts and two sleeves and two control cables connected to a winch. But, the Applicant need not anticipate and disclose every other structure that might be used in place of these specific elements. The original claims, which were broader than the disclosure, indicate that the limitations at issue were not considered critical by the Applicant when he filed the application.

In fact, the specification expressly states that less than two masts, and thus less than two sleeves, would be possible and informs the reader why there are two masts, and not one, in the preferred embodiment. See paragraph 78 of the specification which reads in part as follows:

"[078] Various modifications of masts 34 are possible. For example, one mast 34 could be used instead of two. However, at least for a float supported aircraft having no weighted keel as is true of aircraft 2 shown in the drawings, the use of two laterally spaced masts 34 is preferred for balance and stability."

The enablement rejections are not proper and should be withdrawn.

Moreover, there is nothing indefinite about the claims as no essential items have been omitted from the claims. The Applicant is under no obligation to claim every portion of the invention.

The drawing objections are not well founded. All subject matter being claimed has been shown in the drawings.

Examiner Holzen indicated that the objections to the drawings and any rejections based on lack of enablement or failure to claim an essential limitation would be withdrawn.

The Remaining 112 Issues

Various other indefiniteness rejections were made to claims 3, 9, 14, and 27. These rejections have been overcome by appropriate amendment to these claims, including changing the word "expansion" to --separation-- in claim 3.

Amended Claim 1

As explained to the Examiner during the interview, in this invention, substantially all the riser lines are gathered in or released as the riser lines and the gathering device slide relative to one another in the first and second directions. Moreover, a control switch allows the pilot to start and stop this sliding motion as to substantially all the riser lines.

This is not taught in St. Clair. In St. Clair, only two steering control lines 40 are pulled in or out of member 95 to steer wing 95 only. This will not change the position of member 95 relative to any of the other riser lines. The only affect is to pull one control line 40 or the other control line through member 95.

Similarly, in Nicolai, winches 208 only operate on brake lines 120 and brake line risers 120. There is no affect on the vast majority of the main risers 110R and 110L.

Examiner Holzen agreed that claim 1 as amended would be allowable.

Amended Claim 3

Claim 3 has been amended to recite that the wing has sufficient lift to provide self-sustaining flight when the

engine and propeller are operated. Clearly, St. Clair lacks an engine, propeller or a wing capable of providing self-sustaining flight. The ram air parachute in St. clair is only for allowing a payload to be ejected from an aircraft and to descend safely to the ground.

Examiner Holzen agreed that claim 3 as amended would be allowable.

Original Claim 26

Original claim 26 is allowable for all the reasons noted by Examiner Holzen in paragraph 20 of the Office Action of July 12, 2005, with the caveat that the word sleeves in claim 26 have a broad construction and are not limited to tubular sleeves. Clearly, St. Clair lacks at least the claimed masts and sleeves. The claim calls for a pair of masts each of which supports a vertically movable sleeve, meaning there is a pair of sleeves. Claim 26 should not have been rejected.

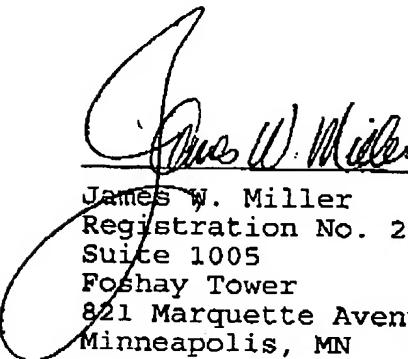
The Examiner recognized that claim 26 should have been allowed and agreed to allow claim 26 as originally presented.

Summary

All of the claims remaining in this application are allowable. Such allowance and passage to issue is respectful-

ly requested.

Respectfully submitted,



James W. Miller
Registration No. 27,661
Suite 1005
Foshay Tower
821 Marquette Avenue
Minneapolis, MN 55402

Telephone (612) 338-5915

October 11, 2005

Page - 13 -